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5
6 Attorneys for Plaintiff ELIZABETH BLEVINS,
7 individually and on behalf of all others similarly
situated.

8
9 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SAN FRANCISCO**

11 ELIZABETH BLEVINS,
12 individually and on behalf of all
13 others similarly situated,

14 Plaintiff,

15 v.

16 WYETH-AYERST LABORATORIES,
17 INC., a Delaware corporation, and
AMERICAN HOME PRODUCTS
18 CORPORATION, a Delaware corporation,

19 Defendants.

No. CV 324380

CLASS ACTION

~~[REDACTED]~~ CASE
MANAGEMENT ORDER

20 WHEREAS, two cases captioned *Duramed Pharmaceuticals, Inc. v. Wyeth-Ayerst Laboratories,*
21 *Inc.*, No. C-1-00-735 ("the *Duramed* action") and *Marjorie Ferrell et al. v. Wyeth-Ayerst Laboratories,*
22 *Inc. et al.*, No. C-1-01-447 ("End Payor action") are currently pending in the United States District Court for
23 the Southern District of Ohio;

24 WHEREAS, the *Duramed* action and End Payor action are based on substantially the same alleged
25 facts as plaintiff has alleged here;

26 WHEREAS, the parties desire to promote judicial economy and efficiency in the conduct of this
27

FILED
San Francisco County Superior Court

APR 19 2002

GORDON PARK-LI, Clerk
BY: Gordon Park-Li
Deputy Clerk

litigation and the *Duramed* and End Payor actions;

WHEREAS, the parties have agreed on a case management schedule that will allow for the coordination of this litigation with the *Duramed* and End Payor actions;

Now, therefore, it is hereby ordered:

I. MOTION FOR CLASS CERTIFICATION

1. The parties have agreed to a reasonable schedule, subject to this Court's convenience and availability, for briefing and a hearing on class certification as follows:

- a. Plaintiffs shall file and serve their Class Certification Motion and supporting papers on or before July 1, 2002;
- b. Defendants shall depose plaintiffs' class experts on or before August 15, 2002;
- c. Defendants shall file and serve their Opposition to Class Certification and supporting papers on or before October 1, 2002;
- d. Plaintiffs shall depose defendants' class experts on or before November 15, 2002;
- e. Plaintiffs shall file and serve their Reply in support of their Class Certification Motion and any supporting papers on or before November 30, 2002;
- f. If Plaintiffs file a reply expert affidavit, defendants shall depose plaintiffs' expert, on only those issues raised in the reply affidavit, on or before December 15, 2002;
- g. The Court shall hold a hearing on class certification as soon as possible after December 15, 2002.

II. RECOMMENDED DISCOVERY PLAN

2. The parties have agreed that discovery should first be conducted on the appropriateness of a class action for this lawsuit. Class discovery has commenced and will continue during the briefing of plaintiff's

1 class certification motion. Merits discovery will proceed after a ruling on class certification. Subject to the
2 entry of an appropriate protective order, the parties agree that discovery in the *Duramed* and End Payor
3 actions, including written discovery and depositions, will be treated as discovery in this case. The parties agree
4 that any party may conduct further discovery in this action related to issues raised in this litigation that are not
5 otherwise the subject of specific discovery in the *Duramed* or the End Payor actions. The parties further agree
6 that any party may take the deposition in this litigation of a deponent in the *Duramed* or End Payor actions only
7 to the extent that the inquiry is limited to such issues.

8 **III. ORGANIZATION OF PLAINTIFFS' COUNSEL**

9 3. The Court hereby designates the following law firms to act as Co-Lead Counsel for plaintiffs,
10 with the responsibilities hereinafter described: Kenneth A. Wexler and Associates, Heins, Mills & Olson, P.C.,
11 Hoffman & Edelson, and Miller Faucher and Cafferty LLP.

12 4. Co-Lead Counsel shall have the following responsibilities and duties, to be carried out either
13 personally or through designated counsel:

- 14 a. To initiate, brief and argue motions and prepare, serve and file opposing
15 briefs in proceedings initiated by other parties;
- 16 b. To coordinate plaintiffs' pretrial activities and plan for trial;
- 17 c. To initiate and conduct discovery proceedings;
- 18 d. To act as spokespersons at pretrial conferences;
- 19 e. To negotiate with defense counsel with respect to settlement and other
20 matters;
- 21 f. To call meetings of plaintiffs' counsel when appropriate;
- 22 g. To conduct all pre-trial, trial and post-trial proceedings;
- 23 h. To consult with and employ experts;
- 24 i. To require counsel to keep a daily record of time spent and expenses
25 incurred in connection with this litigation and to serve at least bi-monthly on
26 Co-Lead Counsel reports setting forth time and expenses, billing rates and

1 such other pertinent data as may be required by Co-Lead Counsel;

2 j. To perform such other duties and undertake such other responsibilities as
3 they deem necessary or desirable in connection with the prosecution of this
4 action; and

5 k. To coordinate and communicate with plaintiffs' and defendants' counsel
6 and the Court, with respect to matters addressed in this paragraph.

7 5. The Court hereby designates the following law firm to act as Liaison Counsel for plaintiffs, with
8 the responsibilities hereinafter described: Berman DeValerio Pease Tabacco Burt & Pucillo.

9 6. Plaintiffs' Liaison Counsel shall be available and responsible for communications to and from
10 this Court, including distribution to counsel of orders and other directions from the Court. Plaintiffs' Liaison
11 Counsel shall be responsible for the creation and maintenance of a master service list of all parties and their
12 respective counsel. Plaintiffs' Liaison Counsel shall have authority to sign all papers and pleadings on behalf
13 of Plaintiffs.

14 7. No motion, request for discovery or pretrial proceeding shall be initiated or responded to on
15 behalf of any plaintiff except by Co-Lead Counsel through Liaison Counsel.

16 8. Co-Lead Counsel shall be the contact between plaintiffs' counsel and defendants' counsel as
17 well as the spokespersons for plaintiffs' counsel. Co-Lead Counsel shall have the authority to speak for
18 plaintiffs in all matters regarding pretrial procedure and settlement negotiations.

19 9. Defendants' counsel may rely upon all agreements made with the Co-Lead Counsel and such
20 agreements shall be binding on the plaintiffs in those actions.


21 **IV. SERVICE OF PLEADINGS AND OTHER PAPERS**

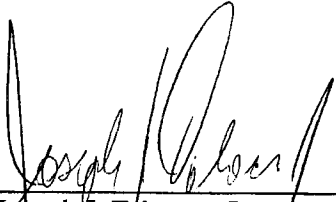
22 10. Defendants shall effect service of all moving and responding papers on plaintiffs by serving a
23 copy of same on Co-Lead Counsel and Liaison Counsel by: overnight delivery service; hand delivery; or
24 facsimile followed by regular United States Mail, unless otherwise agreed. Plaintiffs shall effect service of all
25 moving and responding papers on defendants' counsel by: overnight delivery service; hand delivery; or facsimile
26 followed by regular United States Mail, unless otherwise agreed.

11. Where a single pleading, motion or other paper directed to all plaintiffs is filed by defendants, the response likewise shall be made in a single pleading, response, or other paper filed on behalf of all plaintiffs by the Co-Lead Counsel through Plaintiffs' Liaison Counsel, and all plaintiffs shall be bound thereby.

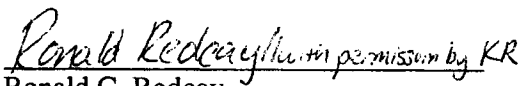
IT IS SO ORDERED:

Dated: 4/19/02


Richard Kramer
Judge of the Superior Court


Joseph J. Tabacco, Jr.
Jennifer S. Abrams
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TABACCO BURT & PUCILLO**
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Liaison Counsel for the Plaintiff


Ronald C. Redcay
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777 South Figueroa Street
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Facsimile: (213) 243-4199

Counsel for the Defendants

CERTIFICATE OF SERVICE

I, Tyler Kelly, declare that I am over the age of 18 years and not a party to this action. My business address is 425 California Street, Suite 2025, San Francisco, CA 94104. On April 12, 2002, I served **[PROPOSED] CASE MANAGEMENT ORDER** on the following, by placing same in sealed envelopes, addressed as shown below, affixing proper first class postage, and depositing them in the United States Mail at San Francisco, California.

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14 South Trust Bank Plaza - East Tower
15 1800 Second Street, Suite 818
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18 Robert C. Gilbert
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21 220 Alhambra Circle, Suite 400 I
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23 (305) 529-9100

24 Anthony Bolognese
25 BOLOGNESE & ASSOCIATES
26 One Penn Center
27 1617 JFK Blvd., Suite 650
28 Philadelphia, PA 19103
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17 I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true
18 and correct.

19 Executed at San Francisco, California, on April 12, 2002.

20 
21 Tyler Kelly